

Remarks

Information Disclosure Statement

Applicant once again respectfully requests that Examiner initial the Information Disclosure filed with the application, to indicate that the examiner has considered the cited references in accord with MPEP § 609, and provide a copy of the initialed document for the applicant's files. Copies of the references were filed on February 16, 2008. The Image File Wrapper indicates that the references were placed in the electronic application file on February 21, 2007.

Status of the Claims

Claims 1-5 and 8-11 are pending in the application upon entry of the above amendments. Claims 6 and 7 have been cancelled in view of the amendments to claim 1. All claim amendments and cancellations are made without prejudice to the filing of one or more continuing applications.

Response to 35 USC 112 2nd Paragraph Rejection.

The examiner has rejected claims 1-11 under 35 U.S.C. § 112 second paragraph for alleged indefiniteness. The examiner states that claim 1 is indefinite because the terminology "said first resin is a 2-chlorotriyl chloride resin *or any similar resin* which inhibits or minimizes the formation of diketopiperazine". Without acquiescing in the rejection, and solely in an effort to advance prosecution, claim 1 has been amended to recite that the first resin is a 2-chlorotriyl chloride resin. The amendment is believed to overcome the ground of rejection.

Reconsideration and withdrawal of the Section 112, second paragraph rejections is respectfully requested.

Response to 35 USC 112 1st Paragraph Rejection.

The examiner has rejected claims 1-11 under 35 U.S.C. § 112 first paragraph for allegedly failing to comply with the written description requirement. The rejection is premised on the recitation of a “first resin” which is “suitable for formation of peptides having proline residue or a proline derivative”, and the recitation of a “second resin which is “suitable for the synthesis of peptides but unsuitable for formation of peptides having praline (sic) residue”. The rejection alleges that the specification fails to set forth a written description of the claimed genus of first and second resins.

Without acquiescing in the rejection, and solely in an effort to advance prosecution, claim 1 has been amended to recite that the first resin is a 2-chlorotriyl chloride resin. Examiner has acknowledged that the specification provides written description support for a 2-chlorotriyl chloride resin as the first resin. Similarly, claim 1 has been amended to recite that the second resin is a Wang resin, or a 4-(3-methoxy-4-(hydroxymethyl)phenoxy)methyl derivative of polystyrene-co-divinylbenzene. The latter is the chemical characterization of a SASRIN resin. Support is found in the specification at page 7, lines 9-10. Examiner has acknowledged that the specification provides written description support for a Wang resin or a SASRIN resin as the second resin.

Reconsideration and withdrawal of the Section 112, 1st paragraph rejection for alleged lack of written description, is respectfully requested.

Conclusion

The claims are in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

ANDREW SMITH JOHNSTONE STEWART

BY 

DANIEL A. MONACO
Registration No. 30,480
Drinker Biddle & Reath LLP
One Logan Square
18th and Cherry Streets
Philadelphia, PA 19103-6996
Tel: (215) 988-3312
Fax: (215) 988-2757
Attorney for Applicant